

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Alysia Spencer,

Plaintiff,

vs.

United States Postal Service,

Defendant

C.A. No.: ~~3:25-cv-4221-SAL~~

3:25-cv-4221-SAL

COMPLAINT

COMES NOW, Alysia Spencer hereinafter known as Plaintiff, and files this negligence action for tortious acts committed by the United States Postal Service hereinafter known as Defendant, as more fully set forth herein:

PARTIES JURISDICTION AND VENUE

1. The Plaintiff, Alysia Spencer, is a citizen and resident of Richland County, South Carolina.
2. Upon information and belief, Stephanie N. Bernique, is a citizen and resident of Richland County, South Carolina.
3. Upon information and belief, at all times pertinent hereto, Stephanie N. Bernique is or was an employee/agent of the United States Postal Service.
4. Upon information and belief, the United States Postal Service is a proper defendant under the provisions of 28 U.S.C. § 1346 (the Federal Tort Claims Act), hereinafter referred to as the FTCA. Pursuant to the FTCA, the United States is subject to suit “for injury or loss of property, or personal injury or death caused by the negligent or wrongful act or omission of any employee of the government while acting within the scope of his office or employment, under circumstances

where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omissions occurred.”

5. This court has jurisdiction of the matter pursuant to 28 U.S.C. § 1346(b)(1); 28 U.S.C. § 2675; 39 U.S.C. § 409.

6. Venue is proper because the acts and omissions which are the subject of the complaint occurred in the District of South Carolina, in Richland County.

FACTUAL BACKGROUND

7. On the morning of April 10, 2024, Plaintiff Alysia Spencer was lawfully proceeding North on Bull Street with a green light in Columbia, South Carolina.

8. At the same time, Stephanie N. Bernique was operating a United States Post Office vehicle traveling east on Taylor street in Columbia, South Carolina

9. Ms. Bernique negligently and carelessly failed to obey traffic laws by driving through a red light and colliding with Plaintiff.

10. As a direct and proximate result of the collision, Ms. Spencer sustained significant bodily injuries for which she has and continues to receive medical treatment for.

11. As a result of the collision, Ms. Spencer has incurred significant medical expenses and has experienced lost wages, pain and suffering, loss of enjoyment of life, lost income, fear and fright, and mental and emotional anguish.

12. The Plaintiff filed a Form 95 with the USPS Tort Claims Office, which was stamped received on July 28, 2024. (**Exhibit 1**). On October 11, 2024, Plaintiff submitted additional requested information including Plaintiffs medical records and bills. Per the attached electronic mail of Victoria Boehm, Tort Claims Examiner, she had not sufficiently reviewed the claim and the adjudication deadline was set for April 15, 2025 (**Exhibit 2**). On May 1, 2025, Plaintiff

received correspondence indicating that the Tort Claims Examiner was “reviewing the claim today.” However, as of the date of this filing, the Plaintiff has not had any additional from the Tort Claims Office in regards to this matter, and more than six (6) months has passed since the filing and receipt of the Form 95.

FOR A FIRST CAUSE OF ACTION
(Negligence/Gross Negligence/Recklessness and Negligence *Per Se*)

13. The allegations of the foregoing paragraphs are incorporated herein as if set forth verbatim.

14. Under the doctrine of agency/respondeat superior, Defendant United States Postal Service is liable for the acts and omissions of its agent/employee Stephanie N. Bernique.

15. By operating a postal vehicle on a public road, Stephanie N. Bernique had a duty of care to operate the postal vehicle in a safe manner so as to ensure the safety of fellow motorists.

16. By operating a postal vehicle on a public road, Stephanie N. Bernique, had a duty of care to operate the postal vehicle in accordance with all applicable Federal and State Laws, Rules, and Regulations.

17. Defendant, by and through its agent/employee Stephanie N. Bernique, breached this duty by failing to operate the postal vehicle in a safe manner, disregarding a red-light, and colliding with Plaintiff's vehicle.

18. Defendant, by and through its agent/employee Stephanie N. Bernique, was willful, wanton, careless, negligent, grossly negligent, negligent per se, and reckless in the following particulars:

- a. By failing to maintain proper control of the vehicle;
- b. By failing to observe things which a reasonable person should see;
- c. By failing to keep a proper lookout for others lawfully using the roads;

- d. By failing to exercise due caution while operating the postal vehicle and did so without regard for the safety and rights of Plaintiff;
- e. By failing to observe the road and traffic conditions;
- f. In disregarding the lawful flow of traffic by driving through a red light;
- g. By driving while distracted;
- h. By failing to yield the right of way to Plaintiff;
- i. In failing to take reasonable and proper precautions, when the exercise of ordinary care on Defendant's part the collision could have been avoided;
- j. By failing to abide by the applicable statutes, rules, and regulations of the South Carolina Code of Laws, including but not limited to the following:
 - i. S.C. Code Ann. § 56-5-2920 by operating a vehicle in a manner that indicated a willful or wanton disregard for the safety of persons or property;
 - ii. S.C. Code Ann. § 56-5-907 by failing to stop for a red light and disregarding a traffic control device;
 - iii. In further ways as discovery and/or trial may reveal.
- k. By failing to abide by the applicable statutes, rules, and regulations of the Code of Federal Regulations, including but not limited to the following:
 - i. 49 C.F.R. § 392.2, which provides "Every commercial motor vehicle must be operated in accordance with the laws, ordinance, and regulations of the jurisdiction in which it is being operated;"
 - ii. In further ways as discovery and/or trial may reveal.
- l. By any other manner which may be revealed in discovery and/or proven at trial, any or all of which were the direct and proximate cause of the injuries and damages

suffered by Plaintiff as described herein, many of said failures being in violation of the applicable governing law.

19. As a direct and proximate result of Stephanie N. Bernique's negligent and grossly negligent conduct as set forth above, Plaintiff Alysia Spencer:

- a. Suffered severe injuries;
- b. Suffered physical pain;
- c. Suffered mental and emotional anguish and loss of enjoyment of life;
- d. Suffered fear and fright
- e. Incurred and will incur extensive medical bills for her reasonable and necessary treatment;
- f. Suffered loss of income;
- g. Suffered damage to her property;
- h. Any other damages which may be revealed through discovery and/or proven at trial.

20. As a direct and proximate result of the Stephanie N. Bernique's negligent and grossly negligent conduct as described above, Plaintiff is entitled to actual and consequential damages and is entitled to such damages as may be revealed through discovery and/or proven at trial.

21. As a direct and proximate result of the Stephanie N. Bernique's negligent and grossly negligent conduct described above, Plaintiff is entitled to punitive damages.

22. Plaintiff would allege she is entitled to all available damages in an amount to be determined by a jury and/or finder of fact.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this court Order judgment against the Defendant in such an amount as this Court may determine proper, for reasonable costs associated with this

action, as well as any other interest and fees to which Plaintiff and/or Plaintiff's counsel may otherwise be entitled, and for all other relief in law and equity which this court deems just, equitable, and proper.

Columbia, South Carolina
May 19, 2025

Respectfully Submitted,

s/Christina M. Brown

William R. Padget (Fed ID No.: 09466)

Christina M. Brown (Federal ID No.: 13487)

HHP Law Group, LLC

2020 Assembly Street

Columbia, South Carolina 29201

Phone: (803) 400-8277

Fax: (803) 845-4900

bill@hhplawgroup.com

christina@hhplawgroup.com

Attorneys for the Plaintiff